

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RUSSELL L. O'BRIEN,

Plaintiff,

v.

COMMANDER GORDON KARLSSON,  
*et al.*,

Defendants.

CASE NO. C13-2059-TSZ

ORDER GRANTING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT

The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, docket no. 30, to which no objection was timely filed,<sup>1</sup> does hereby find and ORDER:

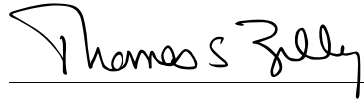
- (1) The Court ADOPTS the Report and Recommendation;
- (2) Defendants' motion for summary judgment, docket no. 24, is GRANTED;
- (3) Plaintiff's amended complaint, docket no. 10, and this action are DISMISSED with prejudice as to plaintiff's federal constitutional claims and without prejudice as to any intended state law claims; and

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<sup>1</sup> The service copy of the Report and Recommendation sent to plaintiff was returned as undeliverable, but updated contact information for plaintiff was received, another copy was mailed, and the deadline for filing any objection was extended. See Minute Order (docket no. 32). The Court is satisfied that plaintiff has received notice and an opportunity to be heard.

1           (4)    The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
2 defendants, and to the Honorable Mary Alice Theiler.

3           DATED this 15th day of January, 2015.

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6           THOMAS S. ZILLY  
7           United States District Judge  
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